

**Minutes
Bar Harbor Planning Board
November 18, 2009
Council Chambers – Municipal Building
93 Cottage Street**

I. CALL TO ORDER — 6:00 p.m.

Members Present: Lynne Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, Member.

Others Present: Lee Bragg, Town Attorney; Brian Madigan, Staff Planner.

II. ADOPTION OF THE AGENDA

Mr. Jardine moved to excuse Mr. Cochary. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

Mr. Madigan stated that the Planning Board is technically not empowered to grant excused absences. He explained that the Town Charter states that excused absences may only be granted by the Town Council.

Ms. Stevens Rosa moved to adopt the agenda as read. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

III. APPROVAL OF MINUTES

November 4, 2009 Minutes

Mr. Jardine moved to adopt the minutes from the November 4, 2009 meeting. Ms Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

IV. REGULAR BUSINESS

Ms. Williams stated she would like to discuss the Jordan Fernald map amendment under other business and amend the agenda to reflect this change.

Ms. Stevens-Rosa moved to amend the agenda to reflect this change. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

A. Continuation of Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Salvatore updated the Board on the changes that were recently made to the hotel. Mr. Salvatore stated that they have added a total of six dwelling units, two of which would be devoted to affordable housing

Mr. Moore stated that he believes the grading plans do not need to be stamped by a Civil Engineer. He added that he is working with Andrew McCullough on the structural plans for the parking deck and that these would also be stamped. Mr. Moore noted that the parking deck plans had been altered to reflect an error found in the topographic survey. The parking deck is now shown to be partially below grade on Rodick Street.

Mr. Moore also added that the subdivision plat would be presented at the next meeting to file with registry.

Mr. Salvatore stated dwelling units will be rented and that they will be open for year round or seasonal rentals. He added that the rooms would not be for employee's. The applicant reviewed the square footages of the dwelling units stating that they believe they are in accordance with the ordinance.

Mr. Jardine asked if the applicant had performed market research on dwelling units in the hotel. The applicant stated they found no reason to believe the units would not be rentable.

Mr. Moore stated that his client would prepare a draft lease for the Board to review. Ms. Williams stated a copy of the draft lease should be submitted and that this should include a methodology for finding tenants for the affordable units. She stated that this could be modeled using the Housing Authority's list and criteria for filling its units.

Mr. Rasmussen, an abutting property owner, stated that he did not believe the hotel would have any difficulty in renting the units.

Mr. Bragg stated there are five levels on the building. The applicant responded that there is nothing that would prohibit the fifth floor in the LUO, as long as the height requirement and habitable space requirements are met.

Mr. Bearor clarified his interpretation of the definition of habitable space. Mr. Hamilton asked that the Code Enforcement Officer attend the next meeting to interpret her thoughts on the definition of habitable space.

Mr. Hamilton requested that the project be allowed an hour and a half review time on December 2.

Ms. Stevens-Rosa moved to continue the project to the December 2, 2009 meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

B. Continuation of Public Hearing – Zoning Map Amendment Request – Jordan-Fernald Funeral Homes

Project Location: Eden St. Map 103 Lot 52

Applicant: Jordan Fernald Funeral Homes

Application: Application to expand the Bar Harbor Corridor District.

This item was discussed under Other Business Item E(a).

C. Continuation of Completeness Review- SP-09-07 – Proposed AT&T Mobility Wireless Telecommunications Facility

Project Location: 286 State Highway 3 Bar Harbor Tax Map 209, Lot 106

Applicant: AT&T Mobility

Application: Construct a wireless telecommunications facility at 286 State Highway 3.

Mr. Hobbins, the project representative, stated that the updated RF report was submitted to staff. He added that the new report details co-location requirements more clearly. He also stated that the proposed Verizon tower wouldn't work because it would not fulfill AT&T's coverage requirements.

Mr. Hobbins also stated that the road improvements detail was added to the new site plan.

Mr. Gashland reviewed the site and structural plans. He noted that page C02 shows that the road has been widened and changed to a 16 foot width.

Mr. Kelly, Planner for Acadia National Park, stated that Section 125-69(8)(c) requires the project to include camouflage elements. Mr. Kelly stated he does not believe that the tower, has provided adequate camouflage measures.

Ms Stevens Rosa moved to find the application complete and schedule it for a public hearing on January 6, 2010. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

Zoning Map Amendment Request – Witham Family Limited Partnership and Bryony LLC

Project Location: Route 3 and Sand Point Road Bar Harbor Tax Map 208, Lots 89 and 91

Applicant: Witham Family Limited Partnership and Bryony LLC.

Application: Expand the Ireson Hill Corridor Zoning District

Mr. Moore asked that this item be tabled to fist meeting in February.

Mr. Jardine moved to continue the project to the Board's first meeting in February. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

E. OTHER BUSINESS

- a. **June 2010 Land Use Ordinance amendment update and discussion. Village Residential -Village Historic Districts**

Mr. Blanchard, a member of the public, asked that abutters to the Jordan Fernald Funeral Home map amendment request be re-notified when the Board hears this project again.

Mr. Madigan stated that Staff has worked diligently to keep interested parties informed with multiple neighborhood meetings, email notifications, and coverage by the local press. He added that the Jordan Fernald zoning map amendment request has been a standing agenda item since August.

Mr. Madigan then provided an overview of the proposed changes to the Village Historic and Village Residential zoning districts.

Regarding the Village Historic District, Mr. Blanchard commented that he did not feel wind turbines were an appropriate use and asked that this use be taken out. Several members of the public also expressed concern for the change proposed in the maximum number of rentable rooms for Bed and Breakfasts in the Village Historic District. They felt that increasing the number of rooms from three to five would have detrimental effects on property values.

Regarding the Village Residential District, Mr. Collier stated that he was pleased with the overall changes proposed.

Mr. Jardine moved to continue the public hearing to the first meeting January 6, 2010 meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

b. Endorsement of Vicki Hall Subdivision.

The Board endorsed the Vicki Hall Subdivision plans.

F. PLANNING DIRECTOR'S REPORT

a. Follow up on status of joint meeting with Planning Board and Town Council for Town Hill Mini Plan.

Mr. Madigan stated the Board would hold its joint meeting with Town Council on December 9, 2009.

G. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Ms. Williams asked that Staff redefine the municipal meaning of kennel to align with state definition of kennel, and to clarify under what conditions a CEO's action may or may not be appealed.

H. ADJOURNMENT

Mr. Jardine moved to adjourn the meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion. The meeting was adjourned at 8:55pm.

These minutes were prepared by Staff Planner Brian Madigan and Secretary Clyde L. Jardine for approval at the December 2, 2009 Planning Board meeting.

Clyde L. Jardine, Secretary

Date